

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARNOLD S. PETERS,
Plaintiff,

No. C 08-5022 PJH

v.

ORDER

SOCIAL SECURITY ADMINISTRATION,
Defendant.

On November 4, 2008, plaintiff filed the nearly 200-page complaint in this case, and the clerk's office for this court subsequently characterized the case as a social security *appeal*. Plaintiff also filed a request to proceed *in forma pauperis*. Much of plaintiff's complaint is incomprehensible; however, based on plaintiff's allegations, it appears to the court that this case may have been improperly characterized as an *appeal*. Plaintiff is advised that a social security appeal requires a final decision by an administrative law judge or "ALJ" denying him disability benefits pursuant to 42 U.S.C. § 405(g).

The standards for evaluating plaintiff's application to proceed *in forma pauperis* differ depending on whether plaintiff is appealing a decision of an ALJ or is filing a civil complaint alleging certain claims in the first instance. Accordingly, plaintiff is ORDERED to file with this court **no later than Wednesday, November 26, 2008**, a written statement clarifying the nature of his complaint, and specifically, stating whether he has already appeared before an ALJ in this matter, and whether he is appealing an

1 ALJ's denial of his application for social security benefits. If plaintiff is *not* appealing the
2 denial of social security benefits but is instead attempting to sue a public agency for civil
3 rights violations, he must file an amended complaint setting forth the factual and legal
4 bases for his claims. Additionally, plaintiff is further ORDERED to identify with more
5 precision who he is suing, as his current complaint does not enable a process server to
6 find the defendant. If plaintiff is suing on claims that are *not* an appeal of alleged
7 error(s) committed by an ALJ, then the court will screen plaintiff's complaint under 28
8 U.S.C. § 1915.

9 A ruling on plaintiff's application to proceed in forma pauperis will be deferred
10 until the court receives either clarification or the amended complaint.

11 **IT IS SO ORDERED.**

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13 Dated: November 12, 2008



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15 PHYLLIS J. HAMILTON
16 United States District Judge
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